

REMARKS

Claims 1, 2, 13, 16, 19, 20, 22, 24-27, 34, 41, 72 and 119-123 are pending and under examination. By this amendment, applicants have amended Claims 1, 2, 13, 16, 19, 20, 22, 24-27, 34, 35, 41, 72 and 119-123 to more particularly point out and distinctly claim the invention. The amendments to the claims are supported by the specification and claims as originally filed, and do not introduce new matter. Accordingly, entry of the amendments to the claims is respectfully requested.

Informalities

In the Office Action, the Examiner stated that the specification contains a list of references cited on pages 1-7, and advised that the placement of the references should be at the end of the specification. The undersigned is not aware of any 37 C.F.R. rule requiring that the list of references be presented at the end of the specification. If the Examiner can provide a citation in the rules to this requirement, then applicants will proceed to submit a substitute specification providing the list of references at the end of the specification. In the absence of a citation to the rules, applicants respectfully decline to submit a substitute specification at this time.

The Examiner also stated that the sequence listing is in continuation with the specification on pages 53-71, and suggested that the sequence listing be provided on separate papers, not in continuation of the specification. It is noted that the Sequence Listing submitted on June 29, 2006 is separate from the specification. The sequences referenced on pages 53-71 is a separate listing of the sequences, and includes more information than the June 29, 2006 Sequence Listing. Accordingly, applicants desire the sequences presented on pages 53-71 to remain in the application.

Rejection under 35 U.S.C. 102

Claims 1-2, 13, 16, 19-20, 34-35, 72 and 119-123 were rejected under 35 U.S.C. 102(b) as anticipated by Chang, et al. (Oncogene, Vol. 14(13), pp. 1617-1622, 1997) ("Chang"). The rejection seems to be based on the belief that the sequence of Chang, et al. is anticipatory since it inherently comprises ELF3 introns in view of the homology requirement of the claims. Although applicants disagree that the homology requirement of the claims would necessarily result in the sequence of Chang to include any introns, this rejection should be moot in view of the amendments to Claim 1. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Rejection under 35 U.S.C. 103

Claim 41 was rejected under 35 U.S.C. 103 as unpatentable over Chang in view of Lowe, et al. (Nucleic Acids Research, Vol. 18, No. 7, page 1757161, 1990) ("Lowe"). For the reasons discussed above with respect to Chang, this rejection should be moot in view of the amendments to Claim 1. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Rejection Under 35 U.S.C. 112

Claims 1-2, 13, 16, 19-20, 22, 24-27, 34-35, 41, 72 and 199-123 were rejected under 35 U.S.C. 112, first paragraph, based on the homology requirement of the claims. This rejection should be moot in view of the amendments to Claim 1. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Correction of Filing Receipt

On December 12, 2006, Applicants had submitted a Communication requesting the correction of the filing receipt mailed August 18, 2006, which incorrectly listed only Mark H. Kaplan as the inventor (Xue-Ping Wang and Michael H. Dosik are also

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Applicants: Mark H. Kaplan, et al.

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inventors). A corrected filing receipt was subsequently mailed on August 10, 2007. However, the August 10, 2007 filing receipt identified Mark H. Kaplan as the only inventor. Applicants respectfully request that a corrected filing receipt be issued to identify Mark H. Kaplan, Xue-Ping Wang and Michael H. Dosik as the inventors. Copies of the Request Form for PCT Application No. PCT/US03/37200 and PCT Publication No. WO 2004/048516, which correctly identify Mark H. Kaplan, Xue-Ping Wang and Michael H. Dosik as the inventors, were previously submitted and are of record.

CONCLUSION

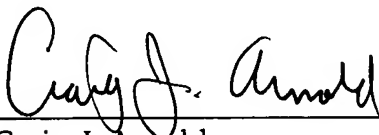
In view of the preceding claim amendments and remarks, applicants respectfully request withdrawal of all rejections and passage of the claims to allowance.

It is believed that no fee, other than the \$230 two month extension of time fee, is required with this response. However, if there are unanticipated fees required to maintain pendency of this application, the USPTO is authorized to withdraw the payment for those fees from Deposit Account 01-1785.

Respectfully submitted

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